

103^D CONGRESS
2^D SESSION

S. 2191

To amend the Fishermen's Protective Act of 1967 to permit reimbursement of fishermen who must pay in advance what the United States considers an illegal fee to navigate waters.

IN THE SENATE OF THE UNITED STATES

JUNE 15 (legislative day, JUNE 7), 1994

Mr. STEVENS (for himself, Mr. MURKOWSKI, and Mr. GORTON) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Fishermen's Protective Act of 1967 to permit reimbursement of fishermen who must pay in advance what the United States considers an illegal fee to navigate waters.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fishermen’s Protective
5 Act Amendment of 1994”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

1 (1) customary international law and the United
2 Nations Convention on the Law of the Sea guaran-
3 tee the right of passage, including innocent passage,
4 to vessels through the waters commonly referred to
5 as the “Inside Passage” off the Pacific Coast of
6 Canada;

7 (2) Canada has recently announced that it will
8 require all commercial fishing vessels of the United
9 States to pay 1,500 Canadian dollars to obtain a “li-
10 cense which authorizes transit” through the Inside
11 Passage off the Pacific Coast of Canada;

12 (3) this action is a clear violation of inter-
13 national law, including the United Nations Conven-
14 tion on the Law of the Sea, and in particular Article
15 26 of that Convention, which specifically prohibits
16 such fees;

17 (4) the Fishermen’s Protective Act of 1967 pro-
18 vides for the reimbursement of fishing vessel owners
19 who are forced to pay a license fee to secure the re-
20 lease of a vessel which has been seized, but does not
21 permit reimbursement of a fee paid by the owner in
22 advance in order to prevent a seizure;

23 (5) Canada has announced that the license fee
24 may only be paid in two ports on the Pacific Coast

1 of Canada, and must be paid in person or in ad-
2 vance by mail;

3 (6) significant expense and delay would be in-
4 curred by a United States fishing vessel that had to
5 travel from the point of seizure back to one of those
6 ports in order to pay the license fee required by
7 Canada, and the costs of that travel and delay can-
8 not be reimbursed under the Fishermen's Protective
9 Act as presently enacted; and

10 (7) the Fishermen's Protective Act of 1967
11 should be amended to permit fishing vessel owners
12 to be reimbursed for fees paid in advance as re-
13 quired by a foreign government to navigate in the
14 waters of that foreign country if the United States
15 considers that fee to be inconsistent with inter-
16 national law.

17 **SEC. 3. AMENDMENT TO THE FISHERMEN'S PROTECTIVE**
18 **ACT.**

19 The Fishermen's Protective Act of 1967 (Public Law
20 90-482), as amended, is further amended by adding at
21 the end the following new section:

22 "SEC. 11. In any case on or after June 15, 1994,
23 in which a commercial fishing vessel of the United States
24 exercising its right of passage is charged a fee by the gov-
25 ernment of a foreign country to navigate in waters of that

1 foreign country, and such fee is regarded by the United
2 States as being inconsistent with international law, the
3 Secretary of State shall reimburse the vessel owner for the
4 amount paid. In seeking such reimbursement, the vessel
5 owner shall provide, together with such other information
6 that the Secretary of State may require, a copy of the re-
7 ceipt for payment and an affidavit attesting that the
8 claimant or the claimant's agent paid the fee under pro-
9 test. Requests for reimbursement shall be made to the
10 Secretary of State within 120 days of the date of payment
11 of the fee, or within 90 days of the date of enactment
12 of this section, whichever is later. The Secretary of State
13 shall take such action as the Secretary deems appropriate
14 to make and collect claims against the foreign country im-
15 posing such fee for any amounts reimbursed under this
16 section.''.

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